

FILED

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 04-10181
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DERRICK DAMON RAINWATER,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CR-42-1-D

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Derrick Damon Rainwater, federal prisoner # 25805-077, appeals the denial of his motion to dismiss the indictment, construed as a 28 U.S.C. § 2241 petition. Rainwater, however, has failed to brief the district court's determination that his failure to show the 28 U.S.C. § 2255 remedy inadequate or ineffective precluded him from proceeding pursuant to § 2241; therefore, he has waived review of that issue and has not shown

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

an entitlement to relief. See Yohey v. Collins, 985 F.2d 222,
224-25 (5th Cir. 1993).

AFFIRMED.